

Potter.	Turner.
Savage.	Turney.
Sebastian.	Wayland.
Stafford.	Wheeler.
Staples.	Wilson.
Swann.	Yett.

Nays—1.

McGee.

Absent.

Davidson of	Johnson.
DeWitt.	Odell.

Absent—Excused.

Goss.	Lloyd.
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Senator Harris of Bexar moved to reconsider the vote by which the bill was passed and lay that motion on the table. Motion to table prevailed.

#### PENDING BUSINESS—SENATE BILL NO. 62.

The Chair then laid before the Senate, on engrossment, pending business,

Senate bill No. 62, A bill to be entitled "An Act fixing the venue in suits upon written contracts."

Action recurring on the motion of Senator Hanger to substitute the minority unfavorable for the majority favorable committee report, and

Senator Miller moved to postpone further consideration of the bill until March 15th, and that it be made a special order at the conclusion of the morning call.

Senator Turner offered a substitute motion to lay the bill on the table subject to call.

Motion to table subject to call prevailed, whereupon the motion of Senator Miller, as substituted by Senator Turner was adopted by the following vote:

Yeas—13.

Dibrell.	Savage.
Grinnap.	Staples.
James.	Swann.
Lipscomb.	Turner.
Neal.	Wheeler.
Paulus.	Yett.
Potter.	

Nays—12.

Beaty.	Miller.
Davidson of	Patterson.
Galveston.	Stafford.
Hanger.	Turney.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wilson.
McGee.	

Absent.

Davidson of	Odell.
DeWitt.	Sebastian.
Johnson.	

Absent—Excused.

Goss.	Lloyd.
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#### MOTION TO CALL UP SENATE BILL —SENATE BILL NO. 62.

Senator Patterson moved to call up from the table, Senate bill No. 62, just previously acted upon, and

Senator James moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, and the Senate did accordingly adjourn at 12:35 o'clock p. m. by the following vote:

Yeas—16.

Grinnan.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Neal.	Wayland.
Paulus.	Wheeler.
Savage.	Wilson.
Stafford.	Yett.

Nays—9.

Beaty.	Harris of Bexar.
Davidson of	McGee.
Galveston.	Miller.
Dibrell.	Patterson.
Hanger.	Potter.

Absent.

Davidson of	Odell.
DeWitt.	Sebastian.
Johnson.	

Absent—Excused.

Goss.	Lloyd.
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#### TWENTIETH DAY.

Senate Chamber,

Austin, Tex., Thursday, Feb. 7, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Present—20.

Davidson of	Potter.
DeWitt.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Patterson.	Yett.
Paulus.	

Absent—10.

Beaty.	Dibrell.
Davidson of	Hanger.
Galveston.	Lloyd.

Miller.                      Stafford.  
Neal.                        Swann.  
Odell.

Absent—Excused.

Goss.

Senator McGee moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the doors were ordered closed, and the roll called, the following Senators answering to their names:

Present—26.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Absent—4.

Davidson of	Odell.
Galveston.	Swann.
Lloyd.	

Absent—Excused.

Goss.

A quorum having been secured the doors were reopened.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Turner, the same was dispensed with.

#### PETITIONS AND MEMORIALS.

Senator Johnson presented a petition from the Lawrence, Texas, W. C. T. U.; and Senator Wheeler presented a memorial from the W. C. T. U. of Ladonia, Texas; and Senator James presented a petition from the citizens of Mount Vernon, Texas; and Senator Stafford presented a petition from citizens of Tyler, Texas, all asking that the local option law be amended with reference to shipments of liquors by express.

Read, and referred to Committee on State Affairs.

Senator Lipscomb presented a petition from a number of citizens of Fort Bend county, asking that interest upon school land be remitted for this year.

Read, and referred to Judiciary Committee No. 1.

Senator Lipscomb presented a petition from members of the bar of Woodville, Texas, asking the passage of an act removing the Court of Civil Appeals from Galveston to Houston.

Read, and referred to Committee on Judicial Districts.

#### EXCUSED.

On motion of Senator Davidson of DeWitt, Senator Lloyd was excused from attendance upon the Senate today on account of sickness.

On motion of Senator Patterson, Senator Davidson of DeWitt was excused for non-attendance upon the Senate yesterday on account of important business.

On motion of Senator Potter, Senator Davidson of Galveston was excused from attendance upon the Senate today on account of sickness.

On motion of Senator Potter, Senator Swann was excused from attendance upon the Senate for the remainder of the week on account of important business.

#### COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 166, being a bill to be entitled "An Act to authorize and empower the Railroad Commission of the State of Texas to regulate railways crossing each other, to provide for interlocking or other safety appliances or devices of equal security to prevent trains colliding at such crossings, and to provide a penalty for refusal to comply with the provisions of this act, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

Committee Room,

Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 131, being a bill to be entitled "An Act to amend Articles 411a and 411b, of Chapter 6a, Title XI, of the Penal Code, relating to violation of the law regulating the sale of intoxicating liquors,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass with the following amendments:

"Amend by striking out the words in Section 1, 'or by imprisonment in the county jail not exceeding ninety days.'

"Amend by striking out of Section 411b the words 'or imprisoned in the county jail from ten to thirty days in the discretion of the jury.'"

TURNEY, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 84, being a bill to be entitled "An Act to provide for the purchase of public lands in quantities of five acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon, in good faith, or to their heirs or legal representatives, prior to the first day of January, 1895, and prescribing the price, terms and manner and time of such purchase,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

SEBASTIAN, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 11, being "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads; own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for

the use and purposes of such corporations, and to provide the method therefor; to issue stock and bonds, and to borrow money, and to mortgage its franchise and property,"

And find the same correctly enrolled, and have this day, at 2 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 83, being a bill to be entitled "An Act regulating the time for filing bills of exception and statements of facts in appeal cases,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 134, being a bill to be entitled "An Act prescribing a period of limitation for the collection of taxes, and to repeal Article 5212b, Chapter 4, Title CIV, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 159, being a bill to be entitled "An Act to regulate proceedings in the district court on appeal from the county court, contesting the probating of last wills and testaments,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 147, being a bill to be entitled "An Act to exempt the county of Aransas from the operation of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, relating to the inspection of hides and animals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 137, being a bill to be entitled "An Act to amend Article 1458, Title XXX, of the Revised Civil Statutes of Texas of 1895, so as to require three days notice to be given of the filing of a motion which relates to a pending suit before same may be taken up for disposition,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 149, being a bill to be entitled "An Act to amend Section 1, of Article 993, Chapter 12, Title XXVII, of the Revised Civil Statutes of the State of Texas, changing the place of holding the Court of Civil Appeals for the First Supreme Judicial District from Galveston, Galveston county, Texas, to Houston, Harris county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 148, being a bill to be entitled "An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to the 'Wool Growing Interests' of the State, so as to exclude the counties of Aransas and Calhoun from the counties exempted from the operations of said title, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 157, being a bill to be entitled "An Act to give the board of aldermen of any town or village incorporated under the provisions of Chapter 11, Title XVIII, of the Revised Civil Statutes of the State of Texas, power to designate one of their number who shall be authorized and empowered to perform any and all the duties of the office of mayor during the absence or inability of the mayor, and to perform such duties during any temporary vacancy in said office,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 133, being a bill to be entitled "An Act providing for the location and establishment of additional State agricultural experiment stations under direction and control of the Agricultural and Mechanical College of Texas; defining the object of such stations; describing how they shall be located, and appropriating thirty thousand dollars

for the purpose of carrying this act into effect,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 86, being a bill to be entitled "An Act to amend Articles 5127, 5128 and 5166 of the Revised Statutes of the State of Texas, relating to the manner of furnishing blanks, rolls and tax receipts for the assessment, rendition and collection of taxes to the various assessors and tax collectors of the counties in this State,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 146, being a bill to be entitled "An Act to amend Article 4833, of Title XCVIII, Chapter 2, of the Revised Civil Statutes of Texas, relating to salaries of officers, and to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with the following amendment:

"Strike out 'two thousand' and insert 'eighteen hundred' in lieu thereof."

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 141, being a bill to be entitled "An Act to provide for the execution in marble of the model of Sam Houston and Stephen F. Austin, donated to the State by the celebrated artist Elizabet Ney, and to make an appropriation therefor, and to provide for placing such statues in the capitol of the State,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, February 6, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 49, being a bill to be entitled "An Act to amend Section 13, of Chapter 107, page 182 of the General Laws of the Twenty-sixth Legislature, approved May 12, 1899, which is entitled as follows: 'An Act to carry into effect the amendments to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows under certain conditions, and to make an appropriation therefor,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Paulus:

Senate bill No. 168, A bill to be entitled "An Act to provide for the publication of notices of sale of real estate under execution, order of sale or venditioni exponas, and regulating fees therefor."

Read first time, and referred to Committee on Public Printing.

By Senator Savage:

Senate bill No. 169, A bill to be entitled "An Act to amend Article 467, Chapter 4, Title XVIII, Revised Statutes, 1895, with reference to the issuance of bonds by cities and towns; the creation of a fund to pay interest and to provide a sinking fund to redeem said bonds; to provide for the proper investment of the sinking fund; to prescribe the duties of the city treasurers with reference to said funds, and to provide an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Lipscomb:

Senate bill No. 170, A bill to be entitled "An Act authorizing county judges to issue writs of attachments for the detention and return of minors who have gone beyond the control of their guardians."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turner:

Senate bill No. 171, A bill to be entitled "An Act to amend Article 2333 of the

Revised Civil Statutes of 1895, relating to the issuance of process on judgments."

Read first time, and referred to Judiciary Committee No. 1.

By Senator James:

Senate bill No. 172, A bill to be entitled "An Act to amend Chapter 25, Article 338, of the Acts of 1897, and to add thereto Article 338a."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Savage and Paulus:

Senate bill No. 173, A bill to be entitled "An Act to set apart one-half of the available school fund for 1900-1901 and 1901-1902 in the counties of Harris, Galveston, Wharton, Fort Bend, Brazoria, Matagorda, Waller, Austin and Colorado, situated in the storm stricken districts, for the purpose of repairing and rebuilding school houses."

Read first time, and referred to Committee on Education.

By Senator Wilson:

Senate bill No. 174, A bill to be entitled "An Act to amend Section 2, Chapter 115, General Laws Twenty-sixth Legislature, being 'An Act to establish a minimum statutory rate for fraternal insurance orders, to be organized within or without this State, after September 1, 1901; and for such orders as have not heretofore transacted business in this State.'"

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Turner:

Senate Joint Resolution No. 8, To amend Section 19, Article 5, of the Constitution of the State of Texas, prescribing the jurisdiction of commissioners courts.

Read first time, and referred to Committee on Constitutional Amendments.

Senator Lipscomb offered the following resolution:

Whereas, The Hon. Wells Thompson, judge of the Twenty-third Judicial District of Texas, is desirous of spending his vacation, which comes during the months of July and August of every year, out of the State; therefore, be it

Resolved by the Senate, That he be granted a leave of absence from the State during the months of July and August of 1901 and 1902.

Read, and referred to Committee on Judicial Districts.

Senator Savage offered the following resolution:

Resolved, That \$100 be appropriated out of the contingent expense fund of the Senate for the purpose of construct-

ing a postoffice for the use of members and officers of the Senate.

[Signed—Savage, Harris of Hunt, Lipscomb, Staples, Potter, James, Yett, Beaty, Turner, Neal.]

Resolution was read second time, and adopted.

The Chair declared the morning call concluded.

#### SENATE BILL NO. 62—PENDING BUSINESS.

The Chair then laid before the Senate, the pending business,

Senate bill No. 62, A bill to be entitled "An Act fixing the venue in suits upon written contracts."

Action recurred upon the motion of Senator Hanger to substitute the minority unfavorable for the majority favorable committee report, the bill having been called up from the table by Senator Patterson on yesterday.

#### SENATE BILL NO. 91 ON THIRD READING.

Pending action on the foregoing,

On motion of Senator Davidson of DeWitt, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 91, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXIX, of the Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

#### VISITING COMMITTEE INCREASED.

The Chair here announced the name of Senator McGee to be added to the committee on part of the Senate provided for by House Concurrent Resolution No. 2 (see Journal of yesterday).

#### SENATE BILL NO. 133 ON THIRD READING.

On motion of Senator Miller, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 133, A bill to be entitled "An Act providing for the location and establishment of additional State agricultural experiment stations under direction and control of the Agricultural and Mechanical College of Texas; defining the object of such stations; describ-

ing how they shall be located, and appropriating thirty thousand dollars for the purpose of carrying this act into effect."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and passed by the following vote:

Yeas—18.

Beaty.	Paulus.
Davidson of	Sebastian.
DeWitt.	Stafford.
Dibrell.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Miller.	Wilson.
Neal.	

Nays—6.

Grinnan.	Patterson.
James.	Savage.
McGee.	Yett.

Present—Not voting.

Potter.

Absent.

Hanger. Odell.

Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.
Goss.	

#### SENATE BILL NO. 133—REASONS OF SENATORS PATTERSON AND MCGEE.

Senators Patterson and McGee sent up the following reason for their votes against the final passage of Senate bill No. 133:

"We vote 'no' on Senate bill No. 133 because we know that the farmers have not been consulted in regard to the matter; and we further believe that it is a waste of money and an unnecessary addition to the burden of the tax-payer.

"PATTERSON,  
"MCGEE."

#### SENATE BILL NO. 32 ON THIRD READING.

On motion of Senator Harris of Hunt, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 32, A bill to be entitled "An Act to prohibit the use of money or other thing of value in a primary election; to prohibit the hiring or employment, either directly or indirectly, of any person to work or electioneer in the interest of any candidate seeking a nom-

ination to any office at any primary election held by authority of any political party; to require each candidate seeking such a nomination to file with the county clerk of the county in which he resides a complete and accurate statement, under oath, showing each and every item of expense incurred by him in connection with his candidacy; to define a primary election, and for other purposes."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and

Senator Harris of Hunt offered the following amendment:

"Amend by adding to Section 3, after the word 'office,' the following: 'Except such expense as may be incurred for railroad fare, buggy hire and hotel bills.'"

Pending action on the foregoing,

Senator Wheeler offered the following amendment to the amendment:

"Amend the amendment by adding the words 'for himself.'"

Amendment to the amendment was read, and adopted, and

Amendment as amended was read, and adopted.

Senator Harris of Hunt offered the following amendment:

"Amend the caption by adding after the word 'clerk,' in line 11, the words 'of the county.'"

Amendment was read and adopted, and

Bill was then passed by the following vote:

Yeas—19.

Davidson of	Potter
DeWitt.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Hunt.	Staples.
James.	Turner.
Johnson.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Paulus.	Yett.

Nays—5.

Beaty.	Patterson.
Dibrell.	Turney.
Lipscomb.	

Absent.

Harris of Bexar.	Odell.
Neal.	

Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.
Goss.	

Senator Potter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

# SENATE BILL NO. 32—REASONS OF SENATORS DIBRELL, TURNEY AND PATTERSON.

Senators Dibrell, Turney and Patterson sent up the following reasons for voting against the passage of Senate bill No. 32:

"We vote 'no' on Senate bill No. 32, for the reason that to our minds it is so extremely foolish as to be unworthy the consideration of the Legislature. To say by a solemn statute of this great State that no citizen of any political party can become a candidate for nomination at the hands of such party without making and filing a sworn itemized account of all expenditures made by reason of such candidacy is an undue interference with the private affairs of the citizen. It is an abridgment of the citizen's rights. We would support cheerfully any measure that has for its object the prevention of the illegal use of money by candidates for nominations for office or for securing their election after nomination. But to require such candidate to keep an itemized account of his expenditures incident to such candidacy, and to make it a penal offense to leave out any item of expenditure, in our judgment, will tend greatly to bring into disrepute our criminal laws and render less effective the enforcement of our present law on the subject of the illegal use of money in elections. Besides this, it is in our opinion extremely doubtful whether our courts will sustain the provisions of this act.

"DIBRELL,  
"TURNEY,  
"PATTERSON."

# SENATE BILL NO. 100 ON SECOND READING.

On motion of Senator Johnson, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 100, A bill to be entitled "An Act for the relief of Mary W. Batchelor, widow of James W. Batchelor."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Dibrell.
Davidson of	Grinnan.
DeWitt.	Hanger.

Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Staples.
McGee.	Turner.
Miller.	Turney.
Patterson.	Wheeler.
Paulus.	Wilson.
Potter.	Yett.

Absent.

James.	Odell.
Neal.	Wayland.

Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.

Goss.

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Absent.

Harris of Hunt.	Odell.
James.	Patterson.

Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.

Goss.

# SENATE BILL NO. 86 ON THIRD READING.

On motion of Senator Stafford, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 86, A bill to be entitled "An Act to amend Articles 5127, 5128 and 5166, of the Revised Statutes of the State of Texas, relating to the matter of furnishing blanks, rolls and tax receipts for the assessment, rendition and collection of taxes to the various assessors and tax collectors of the counties in this State."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and

Senator Harris of Hunt offered the following amendment:

"Amend line 24, Article 5128, by add-



ing: 'Provided, that such printing shall be done within this State.'"

Amendment was read, and

Senator Stafford offered the following amendment to the amendment:

"Add to amendment No. 1: 'When said work is done as well and cheaply as elsewhere.'"

Amendment to the amendment was read, and adopted and

Amendment as amended was read, and adopted.

Bill was then passed by the following vote:

Yeas—21.

Beaty.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
Johnson.	Staples.
Lipscomb.	Turner.
McGee.	Wayland.
Miller.	Wilson.
Neal.	Yett.
Patterson.	

Nays—4.

Davidson of	Turney.
DeWitt.	Wheeler.
James.	

Absent.

Dibrell.	Odell.
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Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.
Goss.	

#### SPECIAL ORDER—EXECUTIVE SESSION.

The Chair here announced the arrival of the hour of 11 o'clock a. m., the time set for the Senate to act upon the nominations of the Governor (see Journals of February 1st and 5th), and accordingly the chamber was cleared.

#### AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Directors of the Agricultural and Mechanical College of Texas:

M. Sansom, of Johnson county.  
 F. A. Reichardt, of Harris county.  
 J. W. Kokernot, of Bexar county.  
 P. H. Tobin, of Grayson county.  
 A. C. Oliver, of Cass county.  
 A. P. Smyth, of Limestone county.  
 William Malone, of Comal county.

Members of the Board of Regents, State University:

G. W. Brackenridge, of Bexar county.

T. W. Gregory, of Travis county.

H. M. Garwood, of Fayette county.

Beauregard Bryan, of Washington county.

T. S. Henderson, of Milam county.

R. E. Cowart, of Dallas county.

H. B. Marsh, of Smith county.

F. M. Spencer, of Galveston county.

For Clerk of the Criminal District Court of Harris county:

Oscar E. Reynaud, of Harris county.

#### FIRST HOUSE MESSAGE.

After executive session the following House message was delivered to the Senate:

Hall of the House of Representatives.  
 Austin, Texas, February 7, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 10, A bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate, as a part of its line, the railroad of the Calvert, Waco & Brazos Valley Railroad Company, together with all the franchises and property incident or appertaining thereto, and to authorize the Calvert, Waco and Brazos Valley Railroad Company to sell its said railroad, together with all the franchises and property incident or appertaining thereto to the International & Great Northern Railroad Company; and to authorize said International and Great Northern Railroad Company to issue and negotiate its bonds secured or to be secured by a mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate as part of its line extensions and branches thereof, under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in pursuance of general laws of the State of Texas; to regulate reports of the property to be purchased from the said Calvert, Waco & Brazos Valley Railroad Company, and the operation

thereof, after the purchase thereof by said International & Great Northern Railroad Company; and to prescribe the conditions upon which the said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale," with amendment.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

SENATE BILL NO. 10—HOUSE  
AMENDMENTS CONCUR-  
RED IN.

Senator Hanger called up Senate bill No. 10 (see House message above), and moved to concur in the following House amendment:

"Amend by adding to Section 7 the following, after the word 'thereof,' in line 28, page 5: 'That the rights and privileges granted and conferred by the provisions of this act shall be subject to forfeiture, unless the International & Great Northern Railroad Company shall construct and complete the line designated in this act by the first day of March, 1905. This being one of the principal conditions upon which said rights and privileges are herein granted.'"

Motion to concur prevailed by the following vote:

Yeas—24.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.
Miller.	

Absent.

Neal.	Stafford.
Odell.	

Absent—Excused.

Davidson of	Lloyd.
Galveston.	Swann.
Goss.	

Senator Hanger moved to reconsider the vote by which the Senate concurred in the House amendment to Senate bill No. 10, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 71 ON SECOND  
READING.

On motion of Senator Yett, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 71, A bill to be entitled "An Act to amend Articles 3481 and 3498a, of Title LXXI, of the Revised Civil Statutes of the State of Texas, relating to mines and mining."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and

On motion of Senator Turney it was laid on the table subject to call.

(Senator Potter in the chair.)

SENATE BILL NO. 126 ON SECOND  
READING.

On motion of Senator Harris of Bexar, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 126, A bill to be entitled "An Act to amend Article 1443, of Chapter 20, of Title XXX, of the Revised Civil Statutes of 1895, of the State of Texas, so as to relieve boards of school trustees of the public school districts of this State, as well as executors, administrators and guardians appointed by the courts of this State, from the requirements of giving security for costs and for appeal and writ of error in suits and legal proceedings to which they may be parties in their fiduciary character, and declaring an emergency."

The Chair then laid the bill before the Senate, on its second reading.

Bill read second time, and ordered engrossed.

On motion of Senator Harris of Bexar, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent.

Odell.	Stafford.
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## Absent—Excused.

Davidson of        Lloyd.  
Galveston.       Swann.  
Goss.

Bill was read third time, and passed by the following vote:

## Yeas—25.

Beaty.                Neal.  
Davidson of        Patterson.  
DeWitt.           Paulus.  
Dibrell.            Potter.  
Grinnan.           Savage.  
Hanger.            Sebastian.  
Harris of Bexar.   Staples.  
Harris of Hunt.   Turner.  
James.            Turney.  
Johnson.          Wayland.  
Lipscomb.        Wheeler.  
McGee.            Wilson.  
Miller.            Yett.

## Absent.

Odell.                Stafford.

## Absent—Excused.

Davidson of        Lloyd.  
Galveston.       Swann.  
Goss.

Senator Harris of Bexar moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

## SENATE BILL NO. 6 ON THIRD READING.

On motion of Senator Turner, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its regular order,

Senate bill No. 6, A bill to be entitled "An Act to amend Article 966, of Chapter 2, of Title XVIII, of the Penal Code of the State of Texas, relating to threats and to the sending of unlawful communications."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and

Senator Beaty offered the following amendment:

"Amend printed bill, Section 1, page 1, line 16, by inserting after the word 'follows,' the following, viz.: 'Article 966.'"

Amendment was read, and adopted.

Bill was then passed.

## SENATE BILL NO. 98 ON SECOND READING.

On motion of Senator Davidson of DeWitt, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

Senate bill No. 98, A bill to be entitled "An Act to amend Article 331, of Chapter 2, Title XIV, of the Revised Civil Statutes of Texas."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

## HOUSE BILL NO 27 ON SECOND READING.

On motion of Senator Dibrell, the pending business (Senate bill No. 62) was suspended and the Senate took up, out of its order,

House bill No. 27, A bill to be entitled "An Act to amend Articles 2504, 2505, 2506 and 2507, of the Revised Civil Statutes of the State of Texas, regulating the termination of the fiscal year, requiring all appropriations made for the support of the State government to conform thereto; the time when the accounts of the public officers shall be closed and reports compiled; to whom the reports shall be transmitted, and the date when; providing for the printing of same by the Secretary of State and transmission of the printed copies to the Legislature; making reports of all officers uniform as to the termination of the fiscal year and the date when they shall close their accounts and compile and make their reports, and to repeal all laws or parts of laws in conflict with the same by adding Article 2507a."

The Chair then laid the bill before the Senate, on its second reading.

The bill was read second time, and passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.                Patterson.  
Davidson of        Paulus.  
DeWitt.            Potter.  
Dibrell.            Savage.  
Grinnan.           Sebastian.  
Hanger.            Stafford.  
Harris of Bexar.   Staples.  
Harris of Hunt.   Turner.  
James.            Turney.  
Johnson.          Wayland.  
Lipscomb.        Wheeler.  
McGee.            Wilson.  
Miller.            Yett.  
Neal.

## Absent.

Odell.

Absent—Excused.

Davidson of Lloyd.  
Galveston. Swann.  
Goss.

Bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Odell.

Absent—Excused.

Davidson of Lloyd.  
Galveston. Swann.  
Goss.

Senator Dibrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 62—PENDING BUSINESS.

The Chair then laid before the Senate, pending business, Senate bill No. 62 (see caption at first of record), and

On motion of Senator Patterson the bill was laid on the table subject to call.

#### SENATE BILL NO. 38—CALLED UP FROM THE TABLE.

Senator Savage called up from the table,

Senate bill No. 38, A bill to be entitled "An Act to amend Article 3929a, Title LXXXVI, Chapter 9, of the Revised Statutes of 1895, relating to the duties of county superintendent of public instruction."

The Chair then laid the bill before the Senate, on its passage to engrossment.

Senator Savage then offered the following amendments, which, with the bill, on his further motion, went to the table subject to call:

EIGHT—SENATE.

#### SENATE BILL NO. 38—FIRST AMENDMENT.

"Strike out all after the enacting

clause and insert in lieu thereof the following:

"Section 1. That Chapter 9, Title LXXXVI, Subdivision (a) of Article 3929, be amended so as to read as follows:

"Article 3929. The office of county superintendent of public instruction is hereby created, and the commissioners court of any county in the State may, when in their judgment it may be advisable, provide for the election of a county superintendent of public instruction at each general election, who shall be a person of educational attainments, good moral character, and executive ability, a qualified voter of said county, and the holder of a first grade teachers' certificate, who shall hold his office for the term of two years and until his successor is elected and qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided who shall perform the duties of such office until a county superintendent shall have been elected as hereinbefore provided, and shall have qualified.

"(a) Such county superintendent of public instruction shall have, under the direction of the State Superintendent of Public Instruction, the immediate supervision of all matters pertaining to public education in his county. He shall confer with and counsel teachers and trustees, visit and examine schools, deliver lectures on topics calculated to excite an interest in public education. He shall organize and hold, with such assistance as may be necessary, at least three institutes of two days each during the school year; provided, that in counties of four thousand scholastic population or more, there shall be held during the year, under his supervision, two institutes of one day each in each commissioners precinct of his county, at such places as he may designate, and one of two days for the entire county at such place as he may designate; provided, that a failure to comply with this requirement shall be sufficient cause for his removal from office. He shall have authority to hold more than three institutes during the school year if in his opinion the educational interests of his county demand more.

"(b) Such county superintendent of public instruction, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall enter into a bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the

county commissioners court and to be filed with the county clerk of his county, and said bond shall be made payable to the county commissioners court and their successors in office, in trust for the available school funds of the county, and be conditioned for the faithful performance of the duties of said office. In case said bond is forfeited and collected, the sum so collected shall become a part of the available school fund of the county.

"(c) He shall approve all vouchers legally drawn against the school fund of his county. He shall examine all contracts between the trustees and teachers of his county, and if in his judgment such contracts are proper, he shall approve the same; provided, that in considering any contract between a teacher and trustees he shall be authorized to consider the amount of salary promised to the teacher. He shall discharge such other duties as may be prescribed by the State Superintendent. He shall distribute all school blanks and books to the officers and teachers of the public schools. He shall make such reports to the State Superintendent as may be required by that officer. He shall immediately after qualifying appoint a county board of examiners, consisting of three resident white teachers holding first grade certificates, who shall serve during the pleasure of the county superintendent of public instruction, subject to the provisions hereinafter made.

"(d) The county superintendents of public instruction herein provided for shall receive from the available school fund of their respective counties annual salaries as follows: For each county with a scholastic population of two thousand or more, and not exceeding three thousand, he shall receive an annual salary of eight hundred dollars; for each county with a scholastic population of three thousand or more, and not exceeding four thousand, he shall receive nine hundred dollars; for each county with a scholastic population of four thousand or more, and not exceeding five thousand, he shall receive one thousand dollars; for each county with a scholastic population of five thousand or more, he shall receive twelve hundred dollars.

"The compensation herein provided for shall be paid quarterly by the county treasurer on the order of the commissioners court; provided, that the salary for the quarter ending on the second Monday in November shall not be paid until the county superintendent presents a receipt from the State Superintendent of Public Instruction showing that he has made all reports required of him."

12—Senate.

#### SENATE BILL NO. 38—SECOND AMENDMENT.

"Strike out in line 6, page 1, in caption of the bill, the words, 'An Act to amend Article 3929a, and insert in lieu thereof the words, 'An Act to amend Subdivision (a) of Article 3929.'"

#### SENATE BILL NO. 102—MADE SPECIAL ORDER.

Senator Harris of Hunt called up

Senate bill No. 102, A bill to be entitled "An Act to facilitate the settlement of disputes and disagreements between corporations employing workers who are members of industrial unions as herein defined and their employes by means of legal arbitration; creating a court to be known as the 'Court of Arbitration of Texas'; providing for the appointment of judges of said court, and prescribing their qualifications; defining the powers and jurisdiction of the court and regulating its proceedings; providing for the registry and incorporation of industrial unions for the purposes of this act; providing for reference of disputes and disagreements between corporations employing workers who are members of industrial unions and their employes to the court for legal arbitration, and providing for the manner of making and enforcement of awards by said court."

And the same was made a special order for Wednesday, February 13, 1901, at the conclusion of the morning call.

#### COMMITTEE REPORTS.

By unanimous consent the following committee reports were made to the Senate:

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bills Nos. 115 and 113, being bills to be entitled "An Act to fix the salaries of the superintendents of the several insane asylums of this State,"

Have had the same under consideration, and I am instructed to report them back to the Senate with the recommendation that the substitute bill hereto attached be passed in their stead:

#### A BILL

#### TO BE ENTITLED

An Act to fix the salaries of the superintendents and assistant physicians of the several insane asylums of this State; of superintendent of the Orphans' Home, and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the salaries of the superintendent of the State Lunatic Asylum at Austin, the Southwestern Insane Asylum at San Antonio and the North Texas Insane Asylum at Terrell be and the same is hereby fixed at the sum of three thousand dollars per annum each, and in addition thereto they shall be provided, at the expense of the State, with such fuel, light, water, cooking, household and table furniture and quarters as may be required.

Sec. 2. The assistant physicians of the several lunatic asylums shall receive an annual salary each of one thousand five hundred dollars.

Sec. 3. The superintendent of the Orphans' Home shall receive an annual salary of one thousand five hundred dollars, and in addition thereto shall be provided, at the expense of the State, with such fuel, light, water, cooking, household and table furniture as may be required.

Sec. 4. The near approach of the close of the present appropriation year and the fact that the salaries under the existing laws for the superintendents of such asylums are inadequate, and that the appropriation for the same begins on the first day of March, 1901, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

DIBRELL, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, February 6, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 1, being a bill to be entitled "An Act to amend Sections 1 and 14, of Chapter 164, of the Acts of the Twenty-fifth Legislature, relating to a uniform system of text-books, adding thereto additional branches of study, and making the same apply to cities of more than ten thousand inhabitants,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: We, the undersigned minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 1, being a bill to be entitled "An Act to amend Sections 1 and 14, of Chapter 164, of the Acts of the Twenty-fifth Legislature, relating to a uniform system of text-books, adding thereto additional branches of study, and making the same apply to cities of more than ten thousand inhabitants,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

HARRIS of Bexar.

Committee Room,  
Austin, Texas, February 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Labor, to whom was referred

Senate bill No. 74, being a bill to be entitled "An Act to prevent the running of more than one working locomotive on one train on any railroad, and providing a penalty and remedy for the violation of the provisions of said act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAPLES, Chairman.

Committee Room,  
Austin, Texas, February 7, 1901.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 100, being a bill to be entitled "An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor,"

And find the same correctly engrossed.

BEATY, Chairman.

#### ADJOURNMENT.

On motion of Senator Turney, the Senate, at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.